

claims for the following reasons.

Claim 33 recites a tissue resectioning system, comprising "a resection head mounted at a distal end of an elongate flexible body, the resection head including a marker thereon wherein, when in an operative position, the resection head is located within a body lumen with the elongate flexible body extending through the body lumen to a naturally occurring body orifice" in combination with "a control unit controlling the resection head based on the defined region of tissue and the location of the marker to resect the region of tissue."

In contrast, Kreizman discusses apparatus for removing tissue which utilizes means for immobilizing the tissue and to define a point of reference. (Specification, col. 3, lines 50 - 52). The Kreizman apparatus ~~is not flexible~~ and includes no ~~elongate member extending~~ from a naturally occurring body orifice to a resection head as recited in claim 33. Consequently, Kreizman includes no markers on portions of the apparatus which, when in an operative position, are located within the body.

That is, the position of the tissue removal tool of Kreizman can only be registered in relation to a point of reference predetermined by the holder. As stated, the present invention does not involve a holder and thus, does not have a point of reference. The position image data for the resection device is received directly from the resection device.

Kreizman describes apparatus including a biopsy needle, or rotary cutting instrument or other instruments suitable for open surgery. No mention is made of flexible endoscopy or any instruments used in such procedures. Nor is any practical suggestion made for adapting the device for such a procedure. It

is respectfully submitted that Kreizman is focused only on the removal of tumors from the breast and is therefore, not concerned with such procedures.

It is respectfully submitted that, for such open surgical procedures as described in Kreizman, there is no need for the feedback from a marker at the distal end thereof to establish the position of the tissue resection device and therefore, claim 33 is allowable over Kreizman, either taken alone or in combination with either Aida or Guo.

Furthermore, the tissue removed by the Kreizman apparatus is "tested" only after it has been extracted. (Specification, col. 4, lines 45 - 46). In contrast, the present invention images and monitors the region of tissue to be resectioned continuously. That is, the "marking substance" that is referenced in the Kreizman reference is only injected in order to be detected once the tissue has been removed. "The tissue sensor is adapted to sense whether removed tissue contains a detectable marking substance which has been injected into the body part with the intention of marking the tissue in the region of interest with the detectable marking substance." (Specification, col. 4, lines 47 - 50). Thus, since the tissue is tested only after it has been extracted, the described "means of marking" is not a preemptive measure as it is in the present invention. The present invention utilizes the imaging of the marker to determine its location in relation to the imaging of the region of tissue prior to the resectioning of any tissue.

Finally, the present invention discloses utilizing a physical marker to identify the location of the resection head via an imager and image processing unit.

Thus, it is respectfully submitted that Kreizman neither shows nor suggests "an imager which remains outside the patient's body, the imager generating image data of a selected region within the patient's body including a predetermined portion of tissue marked for resection," as recited in claim 33 and that this claim is allowable and that Aida and Guo fail to cure these deficiencies.

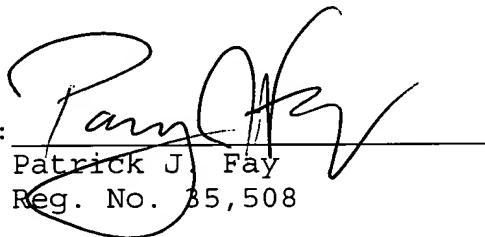
Because claims 34 - 42 depend from and therefore include all of the limitations of claim 33, it is submitted that these claims are also allowable.

It is therefore respectfully submitted that all of the presently pending claims are allowable. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is earnestly solicited.

Respectfully submitted,

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